



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,639	12/13/2000	Paul F. Austin	5150-50800	2283
35690	7590	02/25/2005		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER BASOM, BLAINE T	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/737,639	Applicant(s) AUSTIN, PAUL F.	
	Examiner Blaine Basom	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43,44 and 46-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43,44 and 46-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Regarding claim 59, the Applicant submits that the GUI element, specifically browser window, of Bertram (U.S. Patent No. 5,818,446, described in the previous Office Action) is transmitted from a data source to a host computer system, along with data to be displayed, and therefore, is not selected by a first program executing on the host computer system based on the data type of the data source. The Applicant, however, has not cited any specific passages within the Patent document of Bertram that support such a teaching, nor has the Examiner been able to find such teachings within Bertram's Patent document. Rather, Bertram appears to teach that a "user interface control facility" of the browser of the host computer is responsible for programmatically selecting the browser window in response to receiving a request for a particular type of data (for example, see column 9, lines 14-20; and column 10, line 20 – column 11, line 37). The Examiner therefore respectfully disagrees with the Applicant's argument, but invites the Applicant, should he maintain his current argument, to provide specific passages within the Patent document of Bertram that teach that the browser window is transmitted from the data source to the host computer system.

Concerning claims 43, 57, 58, and 60, the Applicant generally asserts that Sprenger (U.S. Patent No. 5,861,882 to Sprenger et al.), Carnahan (U.S. Patent No. 6,560,557 to Carnahan et al.) and Bertram (U.S. Patent No. 5,818,446), described in the previous Office Action, are not properly combinable, i.e. that neither of the references provides a motivation to combine, and that even if these references were properly combinable, the resulting combination would still not produce the Applicant's invention as claimed. In response to the Applicant's argument that the

Art Unit: 2173

references are not combinable, the Examiner respectfully notes that, other than a recitation of relevant case law and an overt statement that the references are not combinable, the Applicant has not explained in any particular detail how the provided references are not combinable, nor has the Applicant acknowledged the motivation cited by the Examiner in the previous Office Action. As stated in the previous Office Action, and again below, the Examiner submits that it would have been obvious to one of ordinary skill in the art to modify the system taught by Sprenger, such that the test elements are coupled to a server, and such that the GUI of the elements is provided by this server and accessed by a common Internet browser, as done by Carnahan, because a plurality of users from different locations would be able to access the test elements, as is demonstrated by Carnahan (for example, see column 9, lines 33-44).

Additionally, the Examiner submits that, as stated in the previous Office Action and again below, it would have been obvious to one of ordinary skill in the art to modify the browser taught by Sprenger and Carnahan, such that in response to inputting a URL, a browser window is programmatically selected and displayed, and configured to receive data from the source specified by the URL, as is done by Bertram, because such a provision allows the browser window to have a distinct look and feel for the particular web pages provided by the test element server, thus providing a more distinct interface, as is taught by Bertram (for example, see column 1, line 57 – column 2, line 12). The Examiner thus respectfully submits that there exists an incentive to combine the teachings of the prior art, and that this incentive is taught by the prior art. Consequently, the Examiner maintains that Sprenger, Carnahan, and Bertram are properly combinable.

Regarding the assertion that, even were Sprenger, Carnahan, and Bertram properly combinable, the resulting combination would still not produce the claimed invention, the Applicant particularly notes that Sprenger does not suggest using a URL to specify a data target, nor does Sprenger teach programmatically selecting a GUI element. The Examiner agrees, as expressed in the previous Office Action, but respectfully notes that Carnahan and Bertram teach using a URL to specify a data target, and programmatically selecting a GUI element, as described in the previous Office Action and again below:

Further regarding Sprenger, the Applicant notes that Sprenger teaches manually dragging and dropping test element icons onto a test bench window, thus specifying GUI elements, since each test element icon is its own GUI element. The Applicant consequently concludes that Sprenger teaches away from receiving user input specifying a data source, and programmatically selecting a GUI element *after receiving the user input*, as is claimed. In response, the Examiner agrees that Sprenger teaches receiving user input specifying a data source, specifically by manually dragging and dropping test element icons onto a test bench window. The Examiner, however, respectfully submits that each of these icons is not its own GUI element, and that therefore, this action of dragging and dropping test elements does not specify the GUI elements configured to receive and display data. Sprenger specifically teaches that the GUI elements, which are configured to receive and display data from a corresponding test element, are distinct from these test element icons, and are each particularly displayed in response to selecting a corresponding test element icon (for example, see column 8, line 50 – column 9, line 21). As described in the previous Office Action, and again below, Carnahan teaches implementing a browser window as such a GUI element configured to receive and display data from a test

Art Unit: 2173

element. Regardless, the Examiner maintains that Sprenger teaches receiving user input specifying a data source, and displaying a selected GUI element in the program, as two distinct method elements.

Regarding the Carnahan reference, the Applicant argues that Carnahan does not provide motivation to combine with Sprenger or Bertram, and that Carnahan does not teach programmatically selecting a GUI element in response to a data type from a specified data source. In response to the argument regarding motivation, the Examiner respectfully submits that Carnahan in fact provides motivation to combine with Sprenger, as is described above. Additionally, the Examiner agrees with the Applicant in that Carnahan does not teach programmatically selecting a GUI element in response to a data type from a specified data source. The Examiner asserted this in the previous Office Action. Carnahan, however, does teach receiving test element data from over a network via a GUI element, specifically a browser window, as described in the previous Office Action and again below. Bertram teaches programmatically selecting such a browser window according to the type of data from the specified data source, as described in the previous Office Action and again below. Consequently, the Examiner respectfully maintains that Sprenger, Carnahan, and Bertram, in combination, teach programmatically selecting a GUI element in response to a data type from a specified data source.

Regarding the Bertram reference, the Applicant contends that Bertram does not provide motivation to combine with Sprenger or Carnahan, and submits that Bertram does not mention a URL or teach programmatically selecting a GUI element based on a data type of a specified data source. In response to the argument regarding motivation, the Examiner respectfully submits

Art Unit: 2173

that Bertram in fact provides motivation to combine with Sprenger and Carnahan, as is described above. Additionally, the Examiner notes that Carnahan teaches implementing a URL to specify a location of data on a network. Regardless, the Examiner respectfully submits that Bertram additionally mentions such a URL in receiving data from a data source (for example, see column 5, lines 17-27; and column 8, lines 7-16). The Examiner additionally submits that Bertram teaches programmatically selecting a browser window based on a particular type of data, as is described above in the discussion regarding claim 59.

The Applicant's arguments filed on 10/25/2004 have thus been fully considered, but are not persuasive. Admittedly, the Examiner notes that there exist various differences between the invention described in the specification of the instant application and the combined teachings of Sprenger, Carnahan, and Bertram, such as in relation to means for specifying a URL of a data source, and the actual GUI element used to display data from the data source. Any differences, however, are not expressed in the claims, and therefore, the combined references of Sprenger, Carnahan, and Bertram are considered to teach the features and limitations of the invention as claimed.

In addition to the teachings of Sprenger, Carnahan, and Bertram, the Examiner presents browser plug-ins and helper applications, which are well-known in the art, and which as shown below, teach the features and limitation of at least independent claims 43, 57, 58, 59, and 60. Such teachings are not required in response to the Applicants' arguments, but are introduced to further show that the claimed limitations are taught in that art, and to therefore advance prosecution of the present Application.

### ***Claim Objections***

Claim 43 objected to because of the following informalities: the phrase, “configuring a graphical user interface (GUI) element to subscribe to data source,” is considered grammatically incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 59 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,818,446, which is attributed to Bertram et al. (and hereafter referred to as “Bertram”). In general, Bertram presents an Internet browser, which comprises a user interface that is modifiable to suite the preference of a user (see column 1, line 39 – column 2, line 33). Specifically regarding claim 59, Bertram discloses that the browser receives user input specifying a data source and target, wherein the user input particularly specifies a uniform resource locator of the data source and target (see column 3, lines 26-61; and column 9, lines 5-24). A GUI element, specifically a browser window, is then programmatically selected and displayed, wherein the browser window is selected based on the data type of the data source, and is configured to receive and display data from the specified data source and also to publish data



Art Unit: 2173

to the target (see column 6, line 29 – column 8, line 6; and column 9, line 43 – column 11, line 67). Lastly, Bertram discloses that such an Internet browser application may be executed on a computer comprising a display device, a processor, and a memory medium coupled to the processor (see column 4, lines 1-40). Such a computer executing the above-described Internet browser of Bertram is considered a system, like that recited in claim 59.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 43, 57, 58, 59, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by plug-in and helper applications, as described in U.S. Patent No. 6,247,013, which is attributed to Morimoto. In general, Morimoto presents a system for protecting Internet information provided by a content provider, whereby hyperlinks, i.e. anchors, that access the information are checked to ensure that they are proper (for example, see column 2, line 55 – column 3, line 23). For example, upon selection by the user, the hyperlinks may be checked to ensure that they are in a web page provided by the content provider (see column 6, line 49 – column 7, line 15). In describing such a system, Morimoto teaches configuring a graphical user interface (GUI) element to subscribe to a data source.

Specifically, Morimoto discloses that a web browser may be used to access and display a web page (see column 1, lines 8-24). Such a web page may comprise an anchor, which as

Art Unit: 2173

known in the art, is associated with a URL denoting the location of a data file on the Internet (see column 1, lines 24-30). Morimoto discloses that upon specifying the anchor, and consequently its associated URL, is determined whether or not the browser can process and display the type of data within the file, and if not, the browser selects and instantiates a specific application, such as a plug-in or helper application, based on the type of data (for example, see column 1, line 30 – column 2, line 32). It is understood that this plug-in or helper application may comprise its own GUI elements in order to display the data, as is known in the art (for example, see column 3, lines 23-35; and column 4, lines 3-29 of U.S. Patent No. 5,903,728 to Semenzato).

Consequently, Morimoto is considered to teach to one of ordinary skill in the art a method for configuring a GUI element to subscribe to a data source, the method comprising: receiving user input specifying a data source, wherein receiving the user input comprises receiving user input specifying a URL of the data source; programmatically selecting a plug-in or helper application, and consequently its GUI elements, after receiving the user input, wherein the GUI elements are selected based on a data type of the data source; displaying the selected GUI elements after said programmatically selecting; and programmatically configuring the GUI element to receive and display data from the specified data source. It is understood that it is arbitrary as to the circumstances by which the user specifies the data source, and that in fact, the user may specify such a data source via a program development environment during creation, and specifically debugging, of a program such as the helper or plug-in application (for example, see column 1, line 60 – column 2, line 34 of U.S. Patent No. 5,903,728 to Semenzato). Additionally it is understood that the user may implement the plug-in or helper application to publish data to the data target, as known in the art. The plug-in or helper application is considered a graphical

Art Unit: 2173

program comprising a plurality of interconnected nodes that visually represent functionality of the plug-in. For example, the GUI of the plug-in is understood to comprise a plurality of interconnected nodes, which generate a display of the GUI elements, and which thus visually represent functionality of the graphical program. It is understood that this method is implemented with a computer, and specifically, that the browser and plug-in or helper application are instantiated upon this computer (for example, see column 1, line 44 – column 2, line 21). Such a computer implementing the above-described method of Morimoto is considered to comprise a memory medium, like that recited in claims 43, 57, and 58, which stores program instructions for configuring a GUI element to subscribe to a data source. Morimoto, consequently, is considered to teach a method like that recited in claim 60, a memory medium like that recited in claims 43, 57, and 58, and a system like that recited in claim 59.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-44, 46-58, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,861,882, which is attributed to Sprenger et al. (and hereafter referred to as “Sprenger”), over U.S. Patent No. 6,560,557, which is attributed to Carnahan et al. (and hereafter referred to as “Carnahan”), and also over U.S. Patent No. 5,818,446, which is attributed to

Art Unit: 2173

Bertram et al. (and hereafter referred to as “Bertram”). In general, Sprenger presents a system for testing devices, such as radio systems (see column 2, lines 34-49). Sprenger particularly discusses efficiently connecting a plurality of test elements, such as oscilloscopes, into various circuit configurations. To this end, Sprenger teaches connecting all such test elements, and the device to be tested, via a network (see column 3, line 20 – column 5, line 19). A computer connected to the network comprises a GUI by which the user may select icons representing the test elements, and connect and configure such icons into a graphical representation of a circuit (see column 6, line 51 – column 7, line 8; and column 8, lines 14-49). In response, the connected devices are automatically configured into the circuit specified by the user, and may serve as a source of information to the user (see column 8, line 36 – column 9, line 37).

Regarding claim 43, Sprenger presents a program development environment comprising a graphical user interface, by which a user configures various test elements connected to the user's computer into a circuit, thus creating a program which tests a device connected to the circuit. To this end, Sprenger teaches receiving user input specifying a data source, specifically by dragging, from an “Equipment Shelf” window onto a “Test Bench” window, an icon representing a test element data source (see column see column 6, line 51 – column 7, line 8; and column 7, lines 44-50). This icon is coupled with a plurality of other icons, similarly dragged onto the Test Bench window, thus creating a test circuit (see column 7, line 44 – column 8, line 49). Each data source may be associated with a GUI element, specifically an enlarged icon, which is displayed in the program, and which is programmatically configured to receive and display data from its associated data source (see column 8, line 50 – column 9, line 37). Thus concerning claim 43, Sprenger teaches receiving user input specifying a data source, wherein the

Art Unit: 2173

user input is received to a program development environment during creation of a program; displaying a selected GUI element in the program; and programmatically configuring the GUI element to receive and display data from the specified data source. Sprenger, however, does not explicitly disclose that the user input specifying comprises a URL of the data source, or that the GUI element is programmatically selected based on a data type of data provided by the data source.

Like Sprenger, Carnahan discusses test elements, and specifically, discusses commanding and controlling such test elements (see column 1, lines 15-31). Regarding the claimed invention, Carnahan teaches coupling test elements to a server located over a network (see column 2, lines 14-43). The server provides a web page, and the user implements a common Internet browser to access this web page (see column 5, line 63 – column 6, line 59). This web page is used to issue commands and retrieve data from the test elements (see column 5, line 63 – column 6, line 59). Specifically, the user inputs a URL in order to specify such a server and its associated test elements (see column 4, line 59 – column 5, line 14).

It would have been obvious to one of ordinary skill in the art, having the teachings of Sprenger and Carnahan before him at the time the invention was made, to modify the system taught by Sprenger, such that the test elements are coupled to a server, and such that the GUI of the elements is provided by this server and accessed by a common Internet browser. It would have been advantageous to one of ordinary skill to utilize such a combination, because a plurality of users from different locations would be able to access the test elements, as is demonstrated by Carnahan. Thus this combination of Sprenger and Carnahan teaches receiving user input specifying a data source, namely a server, wherein the user input is received to a program

Art Unit: 2173

development environment during creation of a program, and wherein this input specifies a URL of the server; displaying a selected GUI element, namely a browser window; and programmatically configuring the GUI element to receive and display data from the specified data source. This combination, however, does not explicitly teach programmatically selecting the GUI element after receiving the user input, wherein the GUI element is selected based on a data type of data provided by the data source.

Like Sprenger and Carnahan, Bertram discusses accessing data from over a network, specifically via a common Internet browser (see column 1, lines 38-56). Regarding the claimed invention, Bertram teaches programmatically selecting a GUI element, namely browser window and its associated controls, based on the type of data received and displayed by the browser (for example, see column 6, line 29 – column 8, line 29).

It would have been obvious to one of ordinary skill in the art, having the teachings of Sprenger, Carnahan, and Bertram before him at the time the invention was made, to modify the browser taught by Sprenger and Carnahan, such that in response to inputting a URL, a browser window is programmatically selected and displayed, and configured to receive data from the source specified by the URL, as is done by Bertram. It would have been advantageous to one of ordinary skill to utilize this combination because such a provision allows the browser window to have a distinct look and feel for the particular web pages provided by the test element server, thus providing a more distinct interface, as is taught by Bertram. Thus this combination of Sprenger, Carnahan, and Bertram teaches receiving user input specifying a data source, namely a server, wherein the user input is received to a program development environment during creation of a program, and wherein the user input specifies a URL of the server; programmatically

Art Unit: 2173

selecting a browser window after receiving the input, wherein the window is selected based on a data type of data provided by the server; displaying the selected browser window in the program after said programmatically selecting; and programmatically configuring the browser window to receive and display data from the specified server. Carnahan discloses that such teachings may be implemented on a computer readable medium comprising program instructions (see column 9, line 44 – column 10, line 10). Such a computer readable medium implementing the above-described teachings of Sprenger, Carnahan, and Bertram, is considered a computer readable medium, like that recited in claim 43.

Regarding claim 44, the above-described combination of Sprenger, Carnahan, and Bertram teaches programmatically selecting and displaying a browser window in response to specifying a data source. As shown above, the user specifies a data source by entering a URL. In response to selecting and displaying the browser window, the window automatically receives and displays data from the data source, as is further shown above. Thus the browser window is automatically configured to receive and display data without user programming and without the user input specifying source code.

As per claim 46, Bertram teaches programmatically selecting a browser window, and its associated controls, based on a file extension specified by a URL entered by the user (see column 7, line 36 – column 8, line 6). Thus the above-described combination of Sprenger, Carnahan, and Bertram is understood to teach programmatically selecting a GUI element based on a file extension specified by a user-entered URL, as is expressed in claim 46.

Concerning claims 47 and 48, Bertram discloses that a browser window, and its associated controls, may be programmatically selected in response to receiving and analyzing

Art Unit: 2173

data from a particular data source (see column 7, line 36 – column 8, line 16). More specifically, Bertram discloses that a browser window may be programmatically selected by determining a window operable to display particular content received from the data source (see column 8, lines 7-16). It is therefore understood that the above-described combination of Sprenger, Carnahan, and Bertram teaches: receiving data from a data source; programmatically analyzing the received data; and programmatically determining a GUI element operable to display the received data. Additionally, and specifically concerning claim 48, it is understood that the data received from a data source may be in a self-describing format. For example, Bertram discloses that data from a source specified by a URL may have a registered content type, such as “text/html,” which describes the content provide by the source (see column 8, lines 7-16).

Referring to claim 49, the data source of the above-described combination of Sprenger, Bertram, and Carnahan is comprised in a server computer remotely located from the user’s computer, wherein the user’s computer is operable, via an Internet browser, to connect to the server computer over a network, as is described above. Therefore, it is understood that the user’s browser window is programmatically configured to connect to the server computer and receive and display data from the server computer.

As per claim 50, the browser window is automatically included in a user interface associated with a program in development. Specifically, as is described above, the browser window displays the GUI of the elements of Sprenger, which are included within a program development environment.

In reference to claim 51, the program described by Sprenger is a graphical program comprising a block diagram and a user interface (for example, see figure 4, and its associated



Art Unit: 2173

description in column 8, line 50 – column 9, line 37). Specifically, the block diagram represents a test circuit, and comprises a plurality of connected nodes, i.e. icons, which visually indicate functionality of the graphical program (see figure 3, and its associated description in column 7, line 44 – column 8, line 49). As described above, the interface of each of these elements is accessed and displayed via an Internet browser. The user interface of this program is therefore considered to include the browser window, which is programmatically selected based on the data received by the browser, as is described above.

Concerning claim 52, Carnahan discloses that the Internet browser may receive data from a server using HTTP (see column 2, lines 14-43; and column 4, line 59 – column 5, line 5). The data source of the above-described combination of Sprenger, Carnahan, and Bertram, is thus understood to be an HTTP server, as recited in claim 52.

As per claims 53 and 54, Sprenger discloses that a user may specify a data source and a data target, whereby the data source is the same as the data target, and whereby data is received and displayed from the data source, and published to the data target (see column 8, line 50 – column 9, line 37). Carnahan further teaches that a GUI element, specifically an Internet browser window, may be associated with such a source and target, so that it is configured to receive and display data from the source, and publish data to the target (see column 5, line 63 – column 6, line 59). The above-described combination of Sprenger, Carnahan, and Bertram is thus considered to teach a memory medium, like that recited in claims 53 and 54.

As per claims 55 and 56, the data received from the data source of Sprenger, Carnahan, and Bertram is live data, specifically measurement data, which is received from an instrument, namely a test device (for example, see column 8, line 50 – column 9, line 37 of Sprenger).

Art Unit: 2173

Concerning claims 57 and 58, the above-described teachings of Sprenger, Carnahan, and Bertram may be implemented by a computer-readable medium comprising program instructions (for example, see column 9, line 44 – column 10, line 10 of Carnahan). Such a computer readable medium implementing the above-described teachings of Sprenger, Carnahan, and Bertram, is considered a computer readable medium, like that recited in claims 57 and 58.

Regarding claim 60, the teachings of Sprenger, Carnahan, and Bertram, as described above in the rejection for claim 43, are considered to constitute a method, like that recited in claim 60, which is for configuring a graphical user interface element to publish or subscribe to data.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

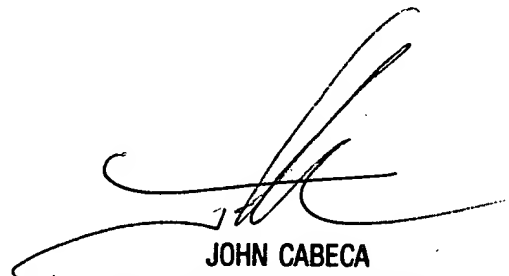
Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



**JOHN CABECA**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100